

1 Robert W. Payne (Bar No. 073901)
2 Brent A. Capchart, (Okla. Bar No. 174847) *Pro Hac Vice*
3 LaRiviere, Grubman & Payne, LLP
4 19 Upper Ragsdale Drive, Suite 200
5 P.O. Box 3140
6 Monterey, CA 93940

7 Attorneys for Plaintiff MONSTER CABLE
8 PRODUCTS, INC.

9 Daniel J. Kelly (Bar No. 145088)
10 L. Julius M. Turman (Bar No. 226126)
11 HAIGHT BROWN & BONESTEEL LLP
12 100 Bush Street, 27th Floor
13 San Francisco, California 94104-3967
14 Telephone: 415.986.7700
15 Facsimile: 415.986.6945

16 Attorneys for Defendant
17 BUTLER CHEMICAL LLC

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 MONSTER CABLE PRODUCTS, INC., a
22 California corporation,

23 Plaintiff,

24 vs.

25 BUTLER CHEMICAL LLC, a New York
26 limited liability company, et al.,

27 Defendant.

28 BUTLER CHEMICAL LLC, a New York
limited liability company,

Counterclaimant,

vs.

MONSTER CABLE PRODUCTS, INC., a
California corporation; and Does 51
through 100, inclusive,

Counterdefendant.

Case No. C 04 1034 EMC

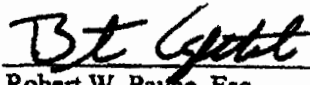
**JOINT STIPULATION OF
DISMISSAL** ; *order*

1 Pursuant to Federal Rules of Civil Procedure, Rule 41, Plaintiff Monster Cable
2 Products, Inc. ("Monster") and Defendant Butler Chemical LLC. ("Butler") hereby notify
3 the Court that they have settled the claims in this action, and therefore jointly stipulate to
4 the dismissal of this action with prejudice, with the parties to bear their own attorney's fees
5 and costs associated with this action.

6 WHEREFORE, the Parties respectfully request an entry of an Order dismissing this
7 action with prejudice. A proposed Order is attached.
8


9 Dated: January 21, 2006

LARIVIERE, GRUBMAN & PAYNE, LLP

10
11 By: 
12 Robert W. Payne, Esq.
13 Brent A. Capehart, Esq.
14 Attorneys for Defendant
MONSTER CABLE
PRODUCTS, INC.

15 Dated: January 23, 2006

HAIGHT BROWN & BONESTEEL LLP

16
17 By: 
18 Daniel J. Kelly
19 L. Julius M. Turman
20 Attorneys for Defendant
21 BUTLER CHEMICAL LLC
22
23
24
25
26
27
28

1 Robert W. Payne (Bar No. 073901)
Brent A. Capehart, (Okla. Bar No. 174847) *Pro Hac Vice*
2 LaRiviere, Grubman & Payne, LLP
19 Upper Ragsdale Drive, Suite 200
3 P.O. Box 3140
Monterey, CA 93940

4 Attorneys for Plaintiff MONSTER CABLE
5 PRODUCTS, INC.

6 Daniel J. Kelly (Bar No. 145088)
L. Julius M. Turman (Bar No. 226126)
7 HAIGHT BROWN & BONESTEEL LLP
100 Bush Street, 27th Floor
8 San Francisco, California 94104-3967
Telephone: 415.986.7700
9 Facsimile: 415.986.6945

10 Attorneys for Defendant
BUTLER CHEMICAL LLC

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 MONSTER CABLE PRODUCTS, INC., a
15 California corporation,

16 Plaintiff,

17 vs.

18 BUTLER CHEMICAL LLC, a New York
limited liability company, et al.,

19 Defendant.

20 BUTLER CHEMICAL LLC, a New York
21 limited liability company,

22 Counterclaimant,

23 vs.

24 MONSTER CABLE PRODUCTS, INC., a
California corporation; and Does 51
25 through 100, inclusive,

26 Counterdefendant.
27
28

Case No. C 04 1034 EMC

**ORDER OF DISMISSAL WITH
PREJUDICE**

1 THIS CAUSE came before the Court on the Joint Stipulation of Dismissal With
2 Prejudice. This Court, finding that the Parties have resolved the claims in this action and
3 therefore agree to the dismissal of this action with prejudice, and being otherwise fully
4 advised in the premises, hereby

5 ORDERS AND ADJUDGES that this Action is hereby DISMISSED WITH
6 PREJUDICE with all parties to bear their own attorney's fees and costs.

7 DONE AND ORDERED this 24th day of January 2006.

8
9
10 EDWARD M. CHEN
11 United States Magistrate Judge
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am over the age of 18 years of age and not a party to the within action. My business address is P.O. Box 3140, Monterey, California 93940. On January 23, 2006, I served the following documents:

1. JOINT STIPULATION FO DISMISSAL AND [PROPOSED] ORDER.

by placing a true copy thereof enclosed in a sealed envelope and served in the manner described below to the interested party herein and addressed to:

Julius Turman, Esq.
HAIGHT BROWN & BONESTEEL LLP
100 Bush Street, 27th Floor
San Francisco, CA 94104-3967

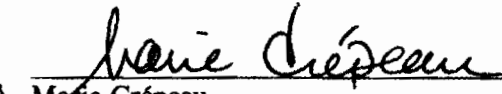
X **MAIL:** I caused such envelope(s) to be deposited in the mail at my business address, with postage thereon fully prepaid, addressed to the addresses(s) designated by U.S. Mail. I am readily familiar with the business' practice of collecting and processing correspondence to be deposited with the United States Postal Service on that same day in the ordinary course of businesses.

 HAND DELIVERY: I caused such envelope(s) to be delivered by hand to the addressee(s) designated.

 BY FACSIMILE: By use of facsimile machine telephone number () _____, I served a copy of the within documents on the below party at the facsimile number listed. The transmission was reported as complete and without error.

X **FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 23, 2006 at Monterey, California.


Marie Crépeau